October 21, 2019

Public Notice for Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects)

Rachelle Haug Road Upgrade Project
ECM PIN CW-862187; WDID 1B190176WNHU

Humboldt County

On October 3, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Rachelle Haug (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities related to the proposed Rachelle Haug Road Upgrade Project (Project).

Project Location

The Project is in the city of Whitethorn on 8169 Briceland Thorn Road and within the South Fork Eel River Hydrologic Subarea 111.32. The Project will impact two unnamed tributaries to China Creek, waters of the United States, located within Humboldt County, California. Coordinates of the Project are approximately latitude 40.103866° N and longitude -123.935074 ° W.

Project Description

The purpose of this Project is to place rock armor below the outlet of a stream crossing culvert and replace an existing culvert on a culverted stream crossing. The proposed project is intended to storm proof stream crossings and reduce road-related sediment delivery to jurisdictional waters within the China Creek watershed. The property was formerly used for cannabis cultivation as well as a homestead site and is proposed to remain a homestead site. No cultivation of commercial cannabis will be conducted on the Project site in the future. California Department of Fish and Wildlife (CDFW), Regional Water Board enforcement staff and Humboldt County Sherriff's Office (HCSO) law enforcement officers conducted a site inspection on April 30, 2018 and issued Notices of Violation (NOV) for various water quality impairment issues.

Road drainage structures (rolling dips, ditch relief culverts, etc.) will be installed as needed to disconnect hydrologically connected road segments from surface waters. A draft Agreement has been provided by CDFW, has been reviewed by the applicant and is currently being finalized by CDFW.

Work at the first stream crossing included the installation of an appropriately sized 36-inch diameter corrugated plastic pipe (CPP) on a Class II watercourse. The culvert has been installed high in the outboard fill slope with erosion control occurring below the culvert outlet. Due to the lack of a critical dip, diversion potential exists at this location down the right side of the road approach. There are approximately 40 feet of hydrologically connected road from the left side of the road approach. Approximately 10

cubic yards of 1.0-2.0 foot diameter rock will be installed below the outlet to provide energy dissipation and prevent splash erosion. Up to 5 cubic yards of excess material may be generated during construction from implementation (e.g., construction of a critical dip). Spoils will be stored in a secure location (shown in an attachment at the end of this document) and appropriate erosion control measures will be implemented to prevent delivery to surface waters. A critical dip will be installed on the right hinge line of the stream crossing to prevent stream diversion. The rock armor will be placed by a hydraulic excavator and road drainage features will be installed with a bulldozer.

Work at the second stream crossing included the installation of an appropriately sized 18-inch diameter CPP on a Class III watercourse with a piece of corrugated sheet metal installed to act as a downspout, although this feature was partially detached and not functioning at the time of the site inspection. The culvert has been installed high in the outboard fill slope with erosion observed below the culvert outlet. Due to the lack of a critical dip, a diversion potential exists at this location down the left road approach. There is approximately 175 feet of hydrologically connected road from the right road approach draining to the stream crossing. Although the existing 18-inch diameter culvert is properly sized for the expected 100-year peak stream flows, and associated debris based on drainage area calculations, Pacific Watershed Associates (PWA) recommends, all culverted stream crossings have a minimum 24-inch diameter culvert installed. The existing culvert will be replaced with a 24-inch diameter by 50-foot long culvert. The replacement culvert will be installed at the natural channel grade with the inlet and outlet placed at the base of the inboard and outboard fill slopes. The new culvert will be installed in the same location and will be approximately 5 feet longer than the existing culvert. The increased culvert diameter will require the road surface to be raised approximately 2 feet to accommodate the new culvert and a critical dip will be constructed on the left hinge line of the stream crossing to prevent stream diversion. The corrugated sheet metal will be removed from the culvert outlet and approximately 5 cubic yards of rock armor will be installed below the new outlet to provide energy dissipation and prevent splash erosion. No excess material will be generated during construction. Work on the culverted stream crossing, including placement of rock armor, will be completed with a hydraulic excavator and bulldozer. Road drainage features will be installed by a bulldozer. Hand labor for culvert assembly and installation will also be employed.

No trees will be removed to complete this project. In addition to the stream crossing upgrades, this project will also include the removal of any identified invasive, non-native vegetation and the planting of native vegetation for approximately 240 square feet within the project area equal to the permanently impacted disturbance area associated with the upgrade treatments. By implementing the stream crossing improvements approximately 26 cubic yards of sediment will be saved from entering China Creek.

Disturbed areas will be seeded with native seed and container plants will be planted after the first significant rainfall in late fall or early winter when soil moisture is adequate for planting.

Construction Timing
Due to enforcement actions and the upcoming wet season, project construction began October 1, 2019 and was completed on October 15, 2019. If any additional work within jurisdictional waters during the wet season (October 15 through May 15) is necessary to satisfy enforcement actions that will require approval from the Regional Water Board.

Impacts
The Project will result in 0.003 acres of permanent impacts to two unnamed stream channels as a result of rock armor installation at culvert outlets. Additionally, the Project will result in 0.01 acres of temporary impacts to an unnamed stream channel as a result of culvert replacement. There will be no impacts to riparian areas or wetlands.

Avoidance, Minimization, and Mitigation for Project Impacts
Most disturbed channel lengths and areas are within the existing road fill prism and any minor permanent impacts outside of the existing road fill prism will be mitigated through upgrading existing, deficient stream crossings. The stream crossing upgrade treatments proposed will result in a significant net gain to long term water quality protection, with minor, short term impacts that will be minimized or completely avoided by protective construction techniques and erosion control. Implementation of the stream crossing treatments proposed will result in the prevention of stream crossing failure, stream diversion and erosion. Project implementation will greatly reduce or eliminate sediment delivery and associated impacts from hydrologically connected road reaches. The Project proposes to employ best management practices to prevent or reduce any discharges during and after construction.

Post-Construction Storm Water Treatment
The Project will not replace or increase impervious surface larger than one acre. Post-construction storm water treatment is not required for this Project.

Other Agency Permits
The Applicant has applied to the United States Army Corps of Engineers for Nationwide Permit No. 3 (Non-Reporting), pursuant to section 404 of the Clean Water Act. The Applicant has also submitted a section 1600 Notification of Lake or Streambed Alteration to the California Department of Fish and Wildlife.

CEQA
As lead California Environmental Quality Act (CEQA) agency, the North Coast Regional Water Quality Control Board (NCRWQCB) has determined that the Project qualifies for a Categorical Exemption 15301 Existing Facilities (c) and (d). The NCRWQCB will file a Notice of Exemption with the State Clearinghouse concurrent with issuance of the 401 Water Quality Certification, pursuant to CEQA guidelines.

Public Comments
Regional Water Board staff are proposing to regulate this Project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. The information contained in this public notice is only a summary of the Applicant’s proposed activities. The application for Water Quality Certification in the

Regional Water Board's file contains additional details about the proposed Project including maps and photos. The application and Regional Water Board file are available for public review at the Regional Water Board office, 5550 Skylane Blvd, Suite A, Santa Rosa, CA. Appointments are recommended for document review and can be made by calling (707) 576-2220.

The Project is scheduled to start as soon as possible to reduce the water quality impact issues of significant erosion and sediment delivery along the creek bank during the next wet season. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the Applicant or federal agency. If the Applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." Due to the risk threat of delivery of sediment and debris to the creek, 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period.

If you have any questions, please contact staff member Brandon Stevens at Brandon.Stevens@waterboards.ca.gov or (707) 576-2377 within 21 days of the posting of this notice.

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